

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF MARYLAND
3 NORTHERN DIVISION

4 UNITED STATES OF AMERICA)
5 Plaintiff,) CRIMINAL NO
6 vs.) 1:21-cr-00116-RDB
7 DESMOND BABLOO SINGH)
8 Defendant.)
9) Baltimore, Maryland
10) May 13, 2021
11) 11:05 a.m.

12 **THE ABOVE-ENTITLED MATTER CAME ON FOR**
13 **DETENTION HEARING**
14 **BEFORE THE HONORABLE RICHARD D. BENNETT**

15 A P P E A R A N C E S

16 On Behalf of the Plaintiff:

17 PATRICK A. MULLIN, ESQUIRE
18 ISABELLE R. RAQUIN, ESQUIRE

19 On Behalf of the Defendant:

20 ZACHARY A. MYERS, ESQUIRE

21 Also Present:

22 Special Agent William Jones, Homeland Security Investigations
23 (via telephone)

24 Nikki Martin, Probation
25 Mr. and Mrs. Singh

26 Reported by:

27 Ronda J. Thomas, RPR, CRR
28 Federal Official Reporter
29 101 W. Lombard Street, 4th Floor
30 Baltimore, Maryland 21201

31 Ronda J. Thomas, RPR, CRR - Federal Official Reporter

PROCEDINGS

THE COURT: This is calling the matter of United States v. Desmond Babloo Singh. Criminal Number RDB-21-0116.

We are here this morning for an initial appearance with respect to the indictment returned against the Defendant as well as a detention hearing pursuant to 18 United States Code § 3142 and specifically a -- essentially a motion for release pending trial.

If counsel will identify themselves for the record,
please.

You in the back may be seated. Thank you.

If counsel will identify themselves, please.

MR. MYERS: Assistant United States Attorney Zachary Myers here on behalf of the United States and joined by phone on the public access line by Special Agent Jones of Homeland Security Investigation.

THE COURT: Nice to see you, Mr. Myers. I haven't seen you for a while. It's nice to see you in person.

MR. MYERS: You as well, Your Honor.

THE COURT: Who is the case agent on this case?

MR. MYERS: William Jones, Your Honor, of Homeland Security Investigations.

THE COURT: And Agent Jones is on the telephone?

MR. MYERS: He's on the public access line.

THE COURT: Good morning to you, Agent Jones, as well.

1 Then on behalf of the Defendant?

2 **MR. MULLIN:** Your Honor, Patrick Mullin appearing on
3 behalf of Mr. Singh.

4 **MS. RAQUIN:** Good morning, Your Honor. Isabelle
5 Raquin on behalf of Mr. Singh as well.

6 **THE COURT:** Yes, nice to have both of you here as
7 well.

8 Ms. Raquin, I think you've appeared before me before.
9 Nice to have you back. Welcome back. It's nice to see you.

10 Mr. Mullin, welcome to you, sir. It's nice to see
11 you. You're down here from New York, I believe?

12 **MR. MULLIN:** New York City. That is right.

13 **THE COURT:** It's nice to have you here.

14 And last, but not least, good morning to you,
15 Mr. Singh.

16 **THE DEFENDANT:** Good morning, Your Honor.

17 **THE COURT:** You all may be seated for a moment here.
18 Let me just go over where we are on this matter. Again, keep
19 your voices up. I have found, quite frankly, Counsel, I have
20 to pull my mask down when I speak because people have
21 difficulty hearing.

22 The Defendant has first of all been indicted by way of
23 an indictment in a four-count -- if I'm not mistaken -- it's a
24 four-count indictment in this case, correct, Mr. Myers?

25 **MR. MYERS:** That is correct, Your Honor.

1 **THE COURT:** If you'll please stand, Mr. Singh, because
2 I need to go over with you or you have not had an initial
3 appearance according to my review of the docket I don't
4 believe, Mr. Myers. He has not yet had a initial appearance on
5 this and so I want to go over, first of all, Rule 5 of the
6 Federal Rules of Criminal Procedure, the matter of your initial
7 appearance here on this.

8 I know you had an appearance on the complaint, but let
9 me just go over first of all the nature of the charges here in
10 the indictment. I'm sure Mr. Mullin and Ms. Raquin --
11 Ms. Raquin, am I pronouncing your name correctly?

12 **MS. RAQUIN:** As best as anyone does, Your Honor, yes.

13 **THE COURT:** I'm sorry?

14 **MS. RAQUIN:** As best as anyone does.

15 **THE COURT:** Well, that's very nice. Thank you very
16 much. My high school French is paying off then. Raquin.

17 But let me just go over this with you here, Mr. Singh.
18 Am I pronouncing your name correctly, sir?

19 **THE DEFENDANT:** Yes, Your Honor.

20 **THE COURT:** Essentially you've been charged in a
21 four-count indictment first of all with cyberstalking in
22 violation of 18 United States Code § 2261A(2) as well as
23 aggravated identity theft in violation of 18 United States Code
24 § 1028A.

25 And essentially it's charged that there is a victim,

1 female, identified as victim one here, who's a resident of
2 Maryland who allegedly became a primary target of a month-long
3 cyberstalking and harassment campaign allegedly carried out by
4 you.

5 Then there is a victim two who is a male acquaintance
6 of victim one, also a resident of Maryland, who it is alleged
7 also became a target of your cyberstalking and harassment.

8 It is charged from approximately 2013 to 2014 when
9 victim one was a middle school student here in Maryland that
10 she was a friend of your older sister and then at the end of
11 your school year your family relocated to Texas. And it is
12 alleged that beginning -- that you maintained some contact with
13 her and had some online or text message conversations going
14 into November and December of 2019.

15 But then in Count I it is alleged that on or about
16 Valentine's Day, February 14, 2020, you shared with the victim
17 one a private Instagram story in which you unequivocally
18 professed your love for her and provided online links, and it
19 is alleged that victim one rejected your romantic advances and
20 asked you not to contact her any further.

21 And it is alleged that over the course of the next 10
22 months starting in February of last year, February of 2020,
23 that you orchestrated and carried out a relentless
24 cyberstalking and harassment campaign against her. Also did
25 the same as to victim two, her male associate or male friend,

1 who it is alleged you apparently perceived as a romantic rival.

2 Then it is specifically alleged that beginning on or
3 about April of 2020, and continuing through at least
4 November 24, 2020, that you used more than 100 different social
5 media, electronic communication, and phone accounts to send
6 victim one harassing communications. And it is alleged that
7 these communications included public posts, private social
8 messages, text messages and other online postings.

9 And it is alleged that you actually used images of
10 victim one No. 1 in the harassing communications in which
11 you -- it is alleged you denigrated her character and
12 appearance.

13 And it is alleged that this -- this conduct proceeded
14 through into July of 2020. And it is alleged that victim one
15 pleaded with you and your family members to put an end to this
16 harassment campaign but to no avail allegedly. And that victim
17 one even has alleged that you -- she was going to seek a no
18 contact order if you continued to harass her.

19 It is alleged that on or about June 2 of 2020, that in
20 some type of social posting or communication that you alleged
21 that you're never going to stop, it's going to be funny, and
22 allegedly made other profane comments directed at her.

23 And then on or about -- it is alleged on or about
24 July 19, 2020, that victim one received an Instagram follow
25 request from one of the accounts that you created.

1 And it's further alleged that on or about July 20,
2 2020, victim one's parents' residence was the target of a
3 swatting attack. Meaning that someone contacted law
4 enforcement to falsely report an emergency at the residence and
5 specifically a Baltimore County, Maryland, employee received an
6 anonymous email telling law enforcement to investigate ASAP a
7 possible bomb at victim one's parents' home.

8 Law enforcement officers responded to the home but
9 subsequently determined that the whole thing was a hoax.

10 Then it is alleged that on or about July 21, 2020,
11 that you texted victim one from an anonymous number and writing
12 quote, "You're getting swatted," end of quote.

13 It is further alleged that this harassment campaign
14 involved gaining unauthorized access to victim one's social
15 media accounts. And specifically it is alleged that on or
16 about July 19, 2020, that you gained unauthorized access to
17 victim one's Snapchat account and changed the email address
18 associated with the account to an email account created and
19 controlled by you.

20 As a result of this, these alleged activities, it is
21 alleged that you obtained personal images of victim one that
22 had been stored in her account, and that you subsequently
23 shared these images of victim one online in the harassing
24 accounts you created.

25 And then it is alleged, going up again to the period

1 of November of 2020, that you gained unauthorized access to her
2 TikTak account and changed the email address associated with
3 that.

4 It is also alleged that your cyberstalking and
5 harassment campaign also targeted victim number two, the male
6 associate of victim one, and created numerous social media
7 accounts intending to harass and intimidate victim number two
8 as well.

9 The course of this conduct has also allegedly included
10 your targeting victim number two and threats to seek out and
11 fight him. Your threats of violence against victim number two
12 allegedly also extended to postings you made on other social
13 media accounts.

14 Furthermore, it is noted that on or about April 18,
15 2020 to November 24, 2020, as well as in Count II from May 9,
16 2020 to November 8, 2020, directed first at victim one and
17 second at victim number two, that you -- in the District of
18 Maryland and the Southern and Eastern District of New York and
19 elsewhere that you, with the intent to kill, injure, harass,
20 intimidate and place under surveillance with intent to kill,
21 injure, harass and intimidate victim one and two used an
22 interactive computer service, electronic communication service
23 and electronic communication system of interstate commerce, or
24 any other facility of interstate or foreign commerce, to engage
25 in a course of conduct that placed Victims 1 and 2 in

1 reasonable fear of death or serious bodily injury.

2 They are essentially the charges in Counts I and II
3 charging you with cyberstalking which is a violation of federal
4 law. The charge summarizes a violation of federal law under 18
5 United States Code § 2261A(2).

6 Counts III and IV charge you with aggravated identity
7 theft. First as to Count III with victim one and secondly as
8 to Count IV with victim one. Count III relating to the
9 Snapchat account and Count IV relating to the TikTak account.

10 And it is suspiciously alleged that -- specifically
11 alleged that you did transfer, possess and use, or attempt to
12 transfer without lawful authority, a means of identification of
13 another person in that you possessed and used the electronic
14 account credentials of victim one without lawful authority
15 during and in relation to wire fraud in violation of 18 United
16 States Code § 1343; and that would be in violation of 18 United
17 States Code § 1028A in terms of aggravated identity theft.

18 Do you understand the nature of the charges against
19 you, Mr. Singh?

20 **THE DEFENDANT:** Yes, Your Honor.

21 **THE COURT:** I want to make sure you understand you
22 have a right to employ counsel of your own choosing, which you
23 have, you retained Mr. Mullin and Ms. Raquin. Ms. Raquin is a
24 member of this court, and Mr. Mullin has certainly been
25 accorded *pro hac vice* admission, and he's entitled to be here.

1 You've retained your private counsel.

2 I want to make sure you understand if you could not
3 afford to employ counsel court-appointed counsel could be
4 appointed to represent you.

5 Do you understand that?

6 **THE DEFENDANT:** Yes, Your Honor.

7 **THE COURT:** And you have a right to a preliminary
8 hearing or in this case there's already been a contention of
9 probable cause by way of the grand jury indictment. And you
10 have a right to seek -- to secure pretrial release. You're not
11 required to make any statement. And if you start to make a
12 statement you may stop at any time under the auspices of the
13 opinion of the United States Supreme Court in *Miranda v.*
14 *Arizona*. That being said, any statement that you make may be
15 used against you pursuant to Rule 5(d)(1) of the Federal Rules
16 of Criminal Procedure.

17 I would gather that you definitely had an opportunity
18 to consult with counsel on this matter and indeed your retained
19 counsel has requested this detention hearing, and we're going
20 to be having that in a few moments.

21 So with that I think we've conducted the initial
22 appearance here. At the initial appearance there's a formal
23 entry of a plea of not guilty at this time, correct,
24 Mr. Mullin?

25 **MR. MULLIN:** That is correct, Judge.

1 **THE COURT:** Your plea is not guilty to all four
2 counts, correct, Mr. Singh?

3 **THE DEFENDANT:** Yes, Your Honor.

4 **THE COURT:** That will be recorded, Madam clerk. We've
5 conducted an initial appearance and a plea of not guilty filed
6 by the Defendant.

7 So with that we'll now proceed here -- you'll be able
8 to sit down in a minute, Mr. Singh, but we'll now proceed to
9 the procedural history of this case.

10 There was a sealed complaint filed against you on
11 December the 22nd of this year here in this court and that gave
12 rise ultimately to your arrest on December the 22nd in New York
13 City. And there was an initial appearance on the complaint,
14 not on the indictment that I've just conducted, by United
15 States Magistrate Judge Barbara Moses in the United States
16 District Court for the Southern District of New York, in which
17 she had ordered your release and setting a number of
18 conditions.

19 The Government filed an emergency motion for
20 revocation of that release order on December the 28th, and a
21 hearing on the emergency motion was conducted before me on
22 December the 28th, and I granted that motion pursuant to 18
23 United States Code § 3145.

24 I conducted a hearing on that and for the reasons set
25 forth on the record, and after considering the factors under 18

1 United States Code § 3142 during my *de novo* review, I
2 determined that you would be remanded to the U.S. marshals and
3 would remain in detention. So you have been -- you have been
4 in federal detention since December 22 of 2020.

5 In the interim period the grand jury returned that
6 indictment I've just summarized for you on April 21 of this
7 year, and so that we are here for a detention hearing pursuant
8 to the Bail Reform Act of 1984, and we will be conducting that
9 hearing in a few minutes here under § 3142 of Title 18.

10 Have I correctly summarized the procedural posture
11 from your point of view, Mr. Myers?

12 **MR. MYERS:** Yes, Your Honor.

13 **THE COURT:** Mr. Mullin, from your point of view?

14 **MR. MULLIN:** Yes, Your Honor.

15 **THE COURT:** So with that we're ready to proceed. Let
16 me just clarify if I can. Given the nature of these offenses,
17 Mr. Myers, we are not in the category of a rebuttable
18 presumption here. The burden of proof is borne by the
19 government by a preponderance of the evidence, correct?

20 There is no rebuttable presumption that's created here
21 given the nature of these charges.

22 **MR. MYERS:** That's correct, Your Honor.

23 **THE COURT:** I know that I've read Mr. Mullin's
24 memorandum Paper Number 16 that was filed on April the 23rd,
25 and I certainly read your emergency motion, I'm very familiar

1 with that. The Government has never really responded by
2 memorandum as to Mr. Mullin's memorandum; is that correct,
3 Mr. Myers?

4 **MR. MYERS:** Yes, Your Honor. My apologies if I missed
5 it on the docket, but I'm actually not aware of Mr. Mullin's
6 memorandum.

7 **THE COURT:** Yes. There was Paper Number 16 filed on
8 April the 23rd, and it is a Motion For Release Pending Trial
9 and a Memorandum Of Law In Support Of The Defendant's Motion
10 For Release Pending Trial, and it is Paper Number 16. Correct,
11 Madam Clark, if you see it there.

12 **THE CLERK:** Yes.

13 **THE COURT:** Ms. Carter can print a copy if you would
14 like. And it was filed on April the 23rd.

15 Correct from your point of view, Mr. Mullin?

16 **MR. MULLIN:** It is correct, Judge. I can certainly
17 provide --

18 **THE COURT:** Well, Ms. Carter can print it up very
19 quickly.

20 **MR. MULLIN:** Oh, good.

21 **THE COURT:** It's a nine-page memorandum and it also
22 contains a report from an investigation company retained by
23 Mr. Mullin on behalf of his client with a personal history and
24 bond report for Mr. Singh that's attached. There's an 11-page
25 report attached as well.

1 **MR. MYERS:** My apologies, Your Honor. If the Court
2 would give me a brief --

3 **THE COURT:** Take your time. I meant to note here,
4 over on the right, I didn't realize Ms. Nikki Martin is here.
5 Nice to see you.

6 **MS. MARTIN:** Good morning, Your Honor.

7 **THE COURT:** You have a copy of what was filed by the
8 Defendant, do you not?

9 **MS. MARTIN:** Do you want me to give him mine?

10 **THE COURT:** You can keep your own copy. Ms. Carter
11 will print it out. She's capable to print out the nine-page
12 motion and the 11-page attachment. We'll do that for you right
13 now, Mr. Myers.

14 **MR. MYERS:** Thank you, Your Honor.

15 **THE COURT:** All right. Mr. Singh, you may be seated
16 now. You all may be seated for a second because I'm going to
17 hear from the Government first.

18 First step is I'm just trying to confirm that from my
19 review the nature of these charges are not within the category
20 of those that create a rebuttable presumption.

21 **MR. MYERS:** That's correct, Your Honor. Neither of
22 the charged statutes carries a rebuttable presumption.

23 **THE COURT:** Again, under the Bail Reform Act the
24 Government may move for a Defendant's pretrial detention if the
25 case involves among other things an offense for which a maximum

1 term of imprisonment of 10 years or more is prescribed. And
2 the presumption of detention places a limited burden of
3 production, not a burden of persuasion, on the Defendant to
4 come forward with evidence that he does not pose a danger to
5 the community or risk of flight and that is in connection with
6 certain enumerated offenses, but they are not applicable here,
7 at least it doesn't appear.

8 I'm just trying to note that -- essentially under §
9 3142(e) (3) subject to rebuttal it shall be presumed that no
10 condition or combination of conditions will reasonably assure
11 the appearance of the person is required and the safety of the
12 community with respect to certain enumerated offenses,
13 including for example a 924(c) charge with respect to use of a
14 firearm in furtherance of a crime of violence.

15 But I don't think that's -- you may take that. Thank
16 you very much, Ms. Carter.

17 **THE CLERK:** You're welcome, Judge.

18 **THE COURT:** -- that does not apply here. I'm just
19 trying to verify that the -- there is no rebuttable presumption
20 so we start sort of fresh at the gate here in terms of the
21 Government providing by a preponderance of the evidence the
22 matter of risk of flight or threat to the community.

23 You want to take a few minutes and review what they
24 have submitted, Mr. Myers?

25 **MR. MYERS:** If the court doesn't mind, I would

1 appreciate that, Your Honor.

2 **THE COURT:** That's fine. Why don't we take a very
3 brief -- do you need five minutes?

4 **MR. MYERS:** That's perfect, Your Honor.

5 **THE COURT:** All right. We'll take a brief recess for
6 five minutes, and I'll be back on the bench in about five
7 minutes. We'll take a five-minute recess.

8 **THE CLERK:** All rise. This court is in recess.

9 (Brief recess.)

10 **THE COURT:** Mr. Myers, have you had an opportunity to
11 review the memorandum submitted by defense counsel?

12 **MR. MYERS:** Yes, Your Honor. Thank you very much.

13 **THE COURT:** The first question is this is not a matter
14 where there is a rebuttable presumption against the Defendant,
15 correct?

16 **MR. MYERS:** That is correct, Your Honor.

17 **THE COURT:** So with that I'll be glad to hear from
18 you. Let me just go over a little bit more in terms of
19 housekeeping matters.

20 There has not obviously been an arraignment in this
21 matter but as far as I'm concerned we've covered all the bases,
22 and there will be a formal entry plea of not guilty on all four
23 counts. Is that correct, Mr. Mullin?

24 **MR. MULLIN:** That is correct, Your Honor.

25 **THE COURT:** The other housekeeping matter is pursuant

1 to the Due Process Protections Act passed last October by the
2 U.S. Congress with respect to the Rule 5(f) of the Federal
3 Rules of Criminal Procedure, in all criminal proceedings on the
4 first scheduled court date, when both prosecutor and defense
5 counsel are present, the court shall issue an oral and written
6 order to the prosecution and defense counsel that confirms the
7 disclosure obligations of the prosecution under *Brady v.*
8 *Maryland*, 373 U.S. 83, a 1963 opinion clearly ordering the
9 United States to adhere to its disclosure obligations.

10 I'm confident the U.S. Attorney's Office of Maryland
11 does that routinely, but I must now as a matter of law sign
12 this order, and I'll sign this order now to that effect.

13 Any objection to that, Mr. Myers?

14 **MR. MYERS:** No, Your Honor. Thank you.

15 **THE COURT:** It's satisfactory to you, Mr. Mullin?

16 **MR. MULLIN:** It is, Your Honor, yes.

17 **THE CLERK:** Madam Clerk, if you will take this and
18 that has been signed.

19 I'm sorry, I can't hear you?

20 **THE CLERK:** Would you like me to formally arraign the
21 Defendant on the record?

22 **THE COURT:** Okay, yeah. If you want to do that.

23 We'll formally arraign the Defendant on the record and that
24 will be reflected as well. Please stand if you will,
25 Mr. Singh.

1 Thank you, Ms. Carter.

2 **THE CLERK:** You're welcome, Judge.

3 Mr. Singh, please raise your right hand.

4 (Defendant sworn.)

5 **THE CLERK:** Please state your full name for the
6 record.

7 **THE DEFENDANT:** Desmond Babloo Singh.

8 **THE CLERK:** Mr. Singh, what is your age?

9 **THE DEFENDANT:** 19.

10 **THE CLERK:** What is the year of your birth?

11 **THE DEFENDANT:** 2001.

12 **THE CLERK:** Has a copy of the indictment been provided
13 to you?

14 **THE DEFENDANT:** Yes.

15 **THE CLERK:** Have you read the indictment or has the
16 substance of the charges been explained to you?

17 **THE DEFENDANT:** Yes.

18 **THE CLERK:** Do you understand the charges?

19 **THE DEFENDANT:** Yes.

20 **THE CLERK:** Mr. Mullin and Ms. Raquin, are you
21 satisfied that the Defendant understands the charges placed
22 against him?

23 **MR. MULLIN:** Your Honor, just so it's clear, Your
24 Honor, I have gone over this indictment with my client numerous
25 times. We've gone over not only the charges in there but the

1 potential penalties as recently as an hour ago in lockup so the
2 answer to that question is definitely yes.

3 **THE COURT:** Okay.

4 **THE CLERK:** Thank you. Mr. Singh, you have been
5 charged in Counts I, II, III and IV of the indictment. What is
6 your plea?

7 **THE DEFENDANT:** Not guilty.

8 **THE CLERK:** Your plea is not guilty to Counts I, II,
9 III and IV of the indictment; is that correct?

10 **THE DEFENDANT:** Yes.

11 **THE CLERK:** Thank you.

12 **THE COURT:** All right. Thank you very much,
13 Ms. Carter. Thank you for reminding me to cross T's and dot
14 I's on that. Defense counsel can be seated and with that I
15 think we are ready to proceed.

16 Essentially the Government is before this court with
17 respect to the matter of the continued detention of this
18 Defendant. And we have summarized the procedural history and
19 with respect to the procedures under the Bail Reform Act the
20 Government bears the burden of proving by a preponderance of
21 the evidence that no condition or combination of conditions
22 will reasonably assure the Defendant's appearance and by clear
23 and convincing evidence that no condition will assure the
24 safety of the community.

25 So with that there's certain factors that I must

1 consider and I will under § 3142(g) of Title 18 and as to that
2 now I'm glad to hear from you, Mr. Myers, on this.

3 **MR. MYERS:** Thank you, Your Honor. As the court is
4 aware, your review here is *de novo*.

5 **THE COURT:** Yes, yes.

6 **MR. MYERS:** The Government is seeking detention on the
7 basis both of risk of nonappearance as well as the danger to
8 the community and specifically to the victims.

9 In terms of the risk of nonappearance, the Defendant
10 has lived -- the Government understands that the Defendant is a
11 19-year-old college student and has lived in a number of
12 different apartments recently in New York and no longer lives
13 in Texas where he would be seeking to reside.

14 The Government's concern in terms of nonappearance is,
15 frankly, given the weight of the evidence and the seriousness
16 of the potential penalty, including Counts III and IV which
17 include mandatory terms of incarceration, that those provide
18 incentive for the Defendant to not appear as required. But the
19 bulk of the Government's argument here, and I think sort of the
20 core issue is here, is the danger posed by the Defendant's
21 release.

22 The Defendant here has committed -- although it's
23 charged as four counts -- has committed months and months of
24 hundreds of different overt acts and instances of felony
25 federal criminal offenses. And much of this was committed as

1 the court saw after the victim begged him to stop, after the
2 police responded to his parents' house and told him to stop,
3 after both victim one and victim number two, listed in the
4 indictment, contacted the Defendant's family, both his mother
5 and his sister, and begged them to beg him to stop. Even after
6 law enforcement got involved, the Defendant continued.

7 I think it's important to note, you know, that he
8 followed through with what he said. He told the victim early
9 on in these months of persistent pattern of behavior that he is
10 genuinely never going to stop that when asked "Please stop
11 this." "I'm going to get a no contact order." And it took
12 months of harassment before she even decided she had to go to
13 the authorities and that really -- the first time she went to
14 the authorities was only after the swatting attack.

15 Now, the court should know that the swatting attack --
16 the Government's further investigation has determined that the
17 email sent to provoke the law enforcement response to the
18 victim's house was sent not by the Defendant but by a
19 co-conspirator of the Defendant. And that the messaging shown
20 on the Defendant's phone shows that there was a discussion of
21 the Defendant paying that individual, who's been identified as
22 a juvenile in the State of Illinois. And a couple of weeks ago
23 after the return of indictment law enforcement officers issued
24 a search warrant -- or excuse me -- executed a search warrant
25 issued by the local court in Illinois at the home of the

1 juvenile and seized devices as part of the investigation which
2 we're still in the process of reviewing.

3 However, in review of Mr. Singh's devices, as well as
4 the information from the electronic service providers and from
5 the agencies that received the swatting email, it all lines up
6 with what is on his phone which is that just like in the mini
7 public posts that he made encouraging others to harass her, to
8 swat her, to tell her she's ugly, to call her racial slurs, to
9 send people to her house, that he had specific one-on-one
10 communications with someone else who then did that.

11 And immediately after the swatting, the following
12 day -- and this was all found on his phone but also the account
13 is linked to one of his emails -- he said "You're getting
14 swatted."

15 The Defendant -- and also, you know, the Court saw in
16 the complaint that the victim obtained telegram chat messages
17 where someone using the screen name Desmond is seeking someone
18 in exchange for bitcoin to decapitate and rape and murder the
19 victim. And in a chatroom on the internet who knows, you know,
20 how serious that is. That telegram is a platform that we're
21 not able to execute search warrants on. There's evidence on
22 the Defendant's phone that he used telegram.

23 But I think that in the context -- even though it's
24 not charged, and we didn't bring the murder for hire charge in
25 the indictment -- in the context of all of the other behavior

1 that the Defendant engaged in and the fact that that chat and
2 that conduct, you know, lines up with what the Defendant had
3 been doing for months, I think that that should still go into
4 the court's calculus, because whether it was him or someone
5 acting on his behalf, the Defendant's relentless attacking of
6 these victims on line spurred people to the point where they're
7 talking about having them killed for money -- having her killed
8 for money.

9 But the hacking of her accounts and sharing of her
10 personal images, not just with the world at large in the number
11 of these harassing posts that he made, but those images were
12 sent directly to the victim's families as a means of
13 embarrassing and harassing her.

14 I think that just the scope of all of the different
15 accounts that he was using, all of the different ways that he
16 found to make her life hell, even going so far as to include in
17 his campaign of cyberstalking the high school ex-boyfriend of
18 this victim. Who I think it's important in the context of this
19 to bear out, and I think in terms of the danger that the
20 Defendant -- whether it's his mental condition -- poses is he
21 doesn't know this girl. This girl has never met him in person.
22 This is the middle school friend of his older sister who made
23 the mistake now, that I'm sure she wishes she could take back,
24 of accepting a friend request online, and it spiraled into
25 this. And the court has seen copies of the messages that he

1 sent her professing his love, talking about sending gifts, and
2 the rejection of that after months of obsession as set forth in
3 the Government's emergency motion.

4 When we reviewed the Defendant's phone we found that
5 he was drafting that message carefully for months trying to
6 come up with just the right words to say to this girl he never
7 met. You know, in his mind he clearly was in love with.

8 After months of that sort of obsession, the rejection
9 apparently just drove him off the edge. And I don't know if
10 there's some underlying condition related to that. If it's
11 just, you know, bad decision-making and bad anger control. But
12 the result was that the Defendant felt entitled to take all of
13 these actions to make her life worse, and it wasn't just
14 limited to what he did online.

15 The evidence has shown through hotel stays and
16 location information on his phone the Defendant at least twice
17 came to Maryland looking to fight victim two in person. He
18 went to the door of and knocked on a residence where victim
19 number two used to live, and then posted the video of it, sent
20 it to him, you know, calling him derogatory names and demanding
21 that he fight him. Demanding that he pull up.

22 So during the midst of a global pandemic the
23 Defendant, who is an unemployed college student, has the
24 wherewithal to get himself not once but twice from New York to
25 Maryland in furtherance of this campaign of terror against

1 these two people all because of his hurt feelings over being
2 rejected online.

3 I think that the Defendant's threats and the fact that
4 they were carried out physically in a number of different ways
5 show that no matter where he is, if he has access to any sort
6 of internet-enabled devices, whether himself or through
7 another, he poses a serious danger not just to the mental and
8 emotional health but to the safety and well-being of both of
9 the victims.

10 He was so committed to his harassment of these victims
11 that in addition to the two victims that he's alleged to have
12 cyberstalked in the indictment, as part of that two other
13 individuals, a news reporter in Virginia as well as a
14 individual citizen in Connecticut, had their Twitter accounts
15 hacked and used and converted to the Defendant's purposes to
16 post images denigrating victim one, messages denigrating victim
17 one. All so that those people's followers could also see all
18 the things that the Defendant was doing to attack victim one.

19 So the nature of the risk is real. It is not just
20 theoretical and it's not just online. The Defendant's
21 persistence in his conduct shows how committed he was to it and
22 that the threat of law enforcement involvement, the threat of a
23 protective order, the pleading of the victim to him and to his
24 family, none of that was enough to convince him to stop.

25 I think in terms of considering the appropriateness of

1 this solution for pretrial release the Defendant is proposing,
2 and that I'd note that the probation officer here has found
3 that there aren't a condition or combination of conditions that
4 can reasonably assure the safety of the public, that the
5 Defendant, who clearly has parents who love him and are afraid
6 for him, his parents in this case under these facts just can't
7 be the people who the court has to give all of its trust to
8 that he's going to follow what the court said.

9 And I know it may have changed now, and she's here
10 today and she might want to speak or not, but during the
11 hearing before Judge Moses in New York, the Defendant's mother
12 made clear that she didn't believe that he could have done any
13 of these things and that this was all a big misunderstanding
14 with some girl who he had a bad romantic relationship with. Of
15 course there is no relationship. This is all in the mind of
16 the Defendant.

17 But I think that given the telephone that he used to
18 conduct most of this activity -- is a telephone, you know, like
19 many college students -- that was subscribed for or paid for
20 and subscribed by his parents. And so back at least in June of
21 2020 his parents knew that the victim was saying that these
22 things were being done by him and that, you know, his phone was
23 his means of doing this. And yet at no time during the course
24 of any of this did they consider taking his phone away or
25 cutting off its service. Even though he was in New York, they

1 were in control of that. They could have done that.

2 And should the Defendant be allowed to return home,
3 the court will just have to trust that in this day and age a 19
4 year old with motivation can't find a way to get their hands on
5 an internet-enabled device and as soon as that's able to happen
6 he can do any of the things that he has done before.

7 So I think that the risk to the public, the risk to
8 the victims, I think is, you know, significantly outweighs
9 whatever protection that an order not to get on the internet
10 might have in this case because of the nature of this offense.

11 The Government understands the Defendant doesn't have
12 a prior history of criminal convictions. But I think that
13 engaging in a months' long series of numerous criminal offenses
14 should be considered when considering the history and
15 characteristics of the Defendant.

16 And I think it's also clear that there's some sort of
17 mental health concern going on here that, you know, would
18 likely make it less likely that he's able to regulate his
19 behavior and conform his conduct to the dictates of the law as
20 well as the dictates of the court's order.

21 So for all those reasons the Government believes that
22 the Defendant needs to be held in detention pending trial in
23 this matter.

24 **THE COURT:** Just so we're clear, Mr. Myers, the thrust
25 of your argument is not so much that no condition will

1 reasonably ensure his appearance, and it isn't so much that you
2 view him as a flight risk, but it's that the safety of the
3 community is involved in terms of the victims and conduct?

4 **MR. MYERS:** Yes, Your Honor. I think the safety is
5 the much more important consideration.

6 **THE COURT:** In terms of your view in terms of the
7 weight of the evidence in this case?

8 **MR. MYERS:** Yes, Your Honor.

9 **THE COURT:** Thank you very much. With that,
10 Mr. Mullin or Ms. Raquin, I'll be glad to hear from you
11 whichever person would like to address the court.

12 **MR. MULLIN:** Thank you, Judge.

13 **THE COURT:** Mr. Mullin, I've noticed for some reason
14 your microphone -- you need to pull it closer to you. I'm
15 picking up Mr. Myers well. I picked up Mr. Singh very well,
16 but I'm not really picking you up very well.

17 **MR. MULLIN:** Is that better?

18 **THE COURT:** I know it's difficult with the mask and
19 everything.

20 **MR. MULLIN:** It is difficult with the mask.

21 **THE COURT:** I'll give you a lead. You can just pull
22 your mask down a little bit if you want. That's fine.

23 **MR. MULLIN:** That will be great. Thank you, Judge.

24 **THE COURT:** I don't know why that microphone doesn't
25 seem to be as hot as the others, but I'm not picking you up as

1 well but go ahead.

2 **MR. MULLIN:** Thank you. Your Honor, since it is clear
3 that my client is not a risk of flight and that he will appear
4 before any proceedings that you have, then I will focus upon
5 the other tier of this analysis which is the danger to the
6 community.

7 Your Honor, what we've done is on behalf of Mr. Singh
8 and on behalf of the Court is to hire a former probation
9 officer out of the Eastern District of Virginia, Mr. William
10 Byerley. And we had Mr. Byerley do an extensive analysis in
11 this matter and following he spoke to my client I believe. He
12 spoke to the mother, Ms. Singh. He had an opportunity to
13 review a number of documents. He's a very, very thorough man.
14 And at the conclusion of which he submitted a report that we
15 have made part of our moving papers as well as incorporating
16 that into our submission to Your Honor.

17 And while understanding the Government's concerns
18 based upon whatever information they have, and while not diving
19 too deeply into the pros and cons and rights and wrongs of what
20 they're saying because we have a different view on what is
21 being alleged here, Judge, we have presented to the court a
22 package that we submit gives the greatest assurance that my
23 client will not be a danger to the community while he is out on
24 bail.

25 And I have been through this before in another case

1 where these kinds of restrictions have been placed and my
2 experience is they work. And what we're suggesting is a number
3 of things here so that Mr. Singh, while he's in the custody of
4 his parents -- by the way, his parents are in this court today.

5 **THE COURT:** Yes, good morning to both of you. Good
6 morning.

7 **MR. MULLIN:** They have flown in to be with their son
8 and if Your Honor will be allowed to be able to take him and
9 watch him and care for him and make sure that he does what he
10 has to do.

11 But what we're suggesting to the court is that you
12 allow him to be under house arrest at his parents' home in
13 Texas. He would wear an electronic bracelet that would be
14 24/7. I have a few clients who have those, and they tell me
15 the moment they do something wrong that bracelet goes off right
16 away, okay. There would be no question about that, number one.

17 There would be no use of a computer in the house while
18 he's there. So there's no computer for him to utilize. That's
19 number two.

20 Nor would there be any phone that would be there for
21 him to use. His parents would have full control over the use
22 of the phone.

23 And the parents have adjusted their work schedules --
24 they're both hardworking people -- Ms. Singh is a nurse,
25 Mr. Singh is a truck driver -- to make sure that there's always

1 someone with their son 24/7 to monitor him.

2 Also, I spoke to a psychologist in Temple, Texas.

3 **THE COURT:** Margaret Chandler?

4 **MR. MULLIN:** Ms. Singh proposed Chandler. I did my
5 own research. I found a Rebekah Oakley who's a psychologist
6 and whose credentials I thought were up to what we need here.

7 I called her office. I spoke to Amanda, who is her
8 assistant, and I explained what we have here. She told me that
9 if Mr. Singh is permitted to be released that we would make
10 arrangements for some kind of telemedicine, apparently that's
11 the way it's done with her office, so that he wouldn't have to
12 leave the house, but he would have sessions with her.

13 **THE COURT:** Mr. Mullin, if I can, I don't want to
14 interrupt you, and I want to hear more of your plans, but when
15 were his parents aware of this alleged situation?

16 **MR. MULLIN:** Judge, I haven't delved into it. My
17 understanding is that these people knew each other. That the
18 Jane Doe here knew the sister --

19 **THE COURT:** I understand the allegation is that the
20 victim one is the friend of his older sister.

21 **MR. MULLIN:** That's correct.

22 **THE COURT:** What I'm trying to determine is that -- up
23 to the time that he was arrested in New York on December the
24 22nd of last year when did his -- when were his parents aware
25 of this allegedly obsessive conduct and use of the internet and

1 Instagram and texting? When did they become aware of this
2 alleged obsession?

3 **MR. MULLIN:** Judge, if you give me two minutes I can
4 ask them.

5 **THE COURT:** I'd like to know. You can take a break.

6 **MR. MULLIN:** Thank you.

7 **THE COURT:** Pull your mask up. If you want you can go
8 back and talk to them for a second if you'd like. Go right
9 back there in the courtroom.

10 **MR. MULLIN:** Ms. Raquin will join me. Thank you.

11 **THE COURT:** Yes, Mr. Mullin. I'll be happy to hear
12 you.

13 **MR. MULLIN:** All right, Judge. I just spoke to
14 Mr. and Mrs. Singh, it appears that they were advised that
15 there was a complaint made by Jane Doe and -- a couple things.

16 Number one, at the time they had some difficulty
17 getting ahold of their boy.

18 **THE COURT:** I'm sorry?

19 **MR. MULLIN:** They had some difficulty at that time
20 getting ahold of their boy, number one.

21 **THE COURT:** You mean because he was in New York City.

22 **MR. MULLIN:** He was in New York City. It wasn't like
23 he was living in the house in Texas.

24 Second of all, their best recollection is that when
25 they did speak to him they had mentioned to him that there was

1 a complaint made about what was going on. Judge, that's the
2 best information I have now. Again, we haven't delved into
3 this thing.

4 I can tell you that these folks are committed to make
5 sure -- this guy's been in jail for almost five months. I get
6 a call from Ms. Singh at least four or five times a week on
7 this. So she understands and her husband understands the
8 gravity of this. They understand the seriousness and the
9 responsibility they would be taking on if they became
10 third-party custodians on this thing, Judge.

11 There's no doubt in my mind that they understand that
12 they would need to be watching that boy 24/7 and that he could
13 do nothing in any way to create a problem.

14 They've been through -- they've been through hell and
15 over with this. And they understand that he needs, while this
16 case proceeds, to be on his best, best, best behavior. And
17 they have assured -- both of them -- husband and wife have
18 assured me that that would be the case.

19 **THE COURT:** I think I owe it to you, Mr. Mullin, to --
20 you probably have heard by now if you've ever been before me I
21 tend to have a hot bench. I ask questions. That's why we have
22 hearings. When I was trying cases, I wanted the judge to talk
23 to me. I didn't want he or she just to -- I'm asking you
24 because you're entitled to know what my thoughts are.

25 **MR. MULLIN:** Yes.

1 **THE COURT:** The reason I asked that first question was
2 that clearly they were aware of this type of problem before he
3 was arrested on the streets of New York on December the 22nd of
4 last year, and I'm not questioning their *bona fides*, but you
5 indicated they had trouble getting ahold of their son. The
6 reality is whenever they were aware of it they were not able to
7 immediately stop it.

8 I understand your point is, well, he's going to be
9 under their thumb because he's going to be back in Texas.

10 But I did note in the rather thorough report that you
11 procured from Mr. Byerley -- if I'm pronouncing his name
12 correctly?

13 **MR. MULLIN:** Yes, that's correct.

14 **THE COURT:** -- that there has been no prior mental
15 health treatment of any kind. I understand it's projected to
16 give him mental health counseling or as we speak he has not had
17 any mental health counseling, correct?

18 **MR. MULLIN:** That is correct, Judge.

19 **THE COURT:** So the problem here is that in terms of
20 the Government's summary of evidence in the case and the
21 *indicia* of some obsessive conduct that the -- we're sort of
22 flying blind here in terms of how deep this mental health issue
23 is and this obsessiveness is based upon the proffer of the
24 Government, and we're dealing in a vacuum here.

25 It isn't so much the *bona fides* of his parents; it's

1 the depth of what may or may not be an obsessive disorder that
2 he has.

3 And we have -- I understand that there's been a
4 suggestion as to Ms. Margaret Chandler or others that you
5 indicated. I'm not questioning that.

6 My point is is that this is -- in this day and age,
7 even you've aptly noted, that in terms of trying to make sure
8 there are no computers in the house, iPhones are mini
9 computers. And I certainly would not expect Mr. and Mrs. Singh
10 not to have iPhones. I mean, they've got to communicate with
11 the world. Some people don't even have fixed line telephones
12 anymore.

13 So you still have vehicles that require just constant
14 surveillance to make sure that he doesn't get ahold -- I mean,
15 given I have no idea what his mental health condition is at
16 this time. There are still vehicles that would be available to
17 him to perpetuate this kind of obsessive conduct. I'm going to
18 give you an opportunity to respond on that because that's what
19 my concern is.

20 **MR. MULLIN:** Two things, Judge. Number one, what I
21 contemplated -- when I spoke to Ms. Oakley's office -- and I
22 also have another person who I recently used out of Virginia,
23 again someone that would be available by telemedicine, who are
24 very good. These are psychologists. These are highly-trained
25 people and these are people that would do a deep dive

1 immediately and do an evaluation and that evaluation could be
2 presented to the pretrial services, Your Honor, to see exactly
3 what it is that's going on here, if anything. So that's number
4 one.

5 Number two, the way that I'm sketching it out to Your
6 Honor, he's basically going to be in a cocoon. He being
7 Mr. Singh. And given that we're dealing with someone here who
8 would otherwise be sitting in a jail over at Northern Neck
9 waiting for trial wherever he is, sitting at trial [sic]
10 receiving no treatment and dealing with --

11 **THE COURT:** He's been in Oklahoma thus far, but he
12 would stay at Northern Neck presumably, right? Didn't you
13 indicate he had been retained in Oklahoma for a time?

14 **MR. MULLIN:** That's correct. He started in Jersey.
15 He was there for a short while. Then went Oklahoma, it's like
16 a wait station there. And then he's been at Northern Neck for
17 the past couple of weeks, Judge.

18 In terms -- I submit to the Court given the fact that
19 it's the Government's burden, not ours, to show danger to the
20 community, that we have set forth a plan that I would submit to
21 you works. And there are numerous assurances that it will
22 work. You got two people who flew from Texas to make sure it
23 works. We're going to have a psychologist to make sure it
24 works. We've got pretrial services who in my experience do a
25 tremendous job to make sure that no one goes astray and if so

1 they call the court right away.

2 **THE COURT:** Again, we have pretrial services in Texas
3 to whom that would be assigned, correct?

4 **MR. MULLIN:** Yes, that's my understanding. I haven't
5 had a case in that jurisdiction, but I certainly can find out.

6 Then we have this young man who may well need to get
7 someone to take a good, hard look at him and see what's going
8 on.

9 So those are five reasons alone I submit to Your Honor
10 that based upon the statute that we have here, and the factors
11 that are being considered, that he is not a danger to the
12 community in the sense that there are assurances and a program
13 that's out there that will allow him to get bail.

14 And I would ask, Your Honor, again, he's 19 years old,
15 Judge. He's still malleable to the extent -- it's not like
16 you're dealing with someone whose been around forever. 19
17 years old, he's still malleable. If help is needed we can get
18 the help and get it started with him now and so forth.

19 He's got no prior criminal history here. Except I
20 think some mischief thing when he was 12 or 13 years old that
21 apparently took place in a bathroom but nothing else. Nothing
22 serious.

23 He's had no international travel. He's basically been
24 to Texas, Maryland, and New York his life. So this gives us a
25 chance to get deep into this thing, see what's really going on

1 without creating a risk to either the Jane Doe or the
2 boyfriend.

3 So I submit to you, Your Honor, under the statute,
4 under the factors that are considered here where the Government
5 has the rebuttable presumption that we've submitted to you a
6 plan that works. And we would ask Your Honor to allow us to
7 implement that plan.

8 **THE COURT:** Thank you, Mr. Mullin. You've certainly
9 submitted a plan where I'm satisfied there's not a risk of
10 flight.

11 We still have the issue of danger to the community. I
12 note that you had actually cited an opinion in this matter by
13 Magistrate Judge Boardman, who the record will reflect had her
14 hearing before the Senate yesterday to be confirmed as a
15 district judge thereby allowing me to become a senior judge.

16 So it's somewhat appropriate that today, the day after
17 her hearing, that I quote my good friend and colleague Judge
18 Boardman when you had cited her opinion in matter of *United*
19 *States v. Davis*, a case then assigned to Judge Hollander, last
20 March. Really, the substance of that when all was said and
21 done was it was the COVID-19 factors were the ones that came
22 into play there in the early days of the -- of the COVID-19
23 pandemic issues.

24 It certainly seems to me that -- I'll hear from
25 Mr. Myers in rebuttal in a moment here -- it certainly seems to

1 me that at minimum we need to have a study done here. No
2 disrespect intended to a psychologist in Texas and no
3 disrespect to his parents who traveled here and are concerned.

4 We're really dealing in a void here. This is
5 extraordinarily obsessive conduct that's alleged. Not only in
6 terms of obsessive conduct on the internet, it's obsessive
7 conduct that's alleged in terms of swatting, sending police
8 officers to a home.

9 It's alleged and proffered that he actually visited
10 Maryland and came to Maryland.

11 I mean, there is just -- there is an alleged
12 obsessiveness here as to which we're really dealing in a vacuum
13 and that's of great concern to me.

14 **MR. MULLIN:** Judge, could I be heard on that?

15 **THE COURT:** That's why I'm telling you. That's why
16 I'm speaking to you.

17 **MR. MULLIN:** All right. Thank you.

18 **THE COURT:** Because I don't think anyone here in this
19 courtroom is really qualified to say how obsessive it is but
20 it's pretty bizarre alleged conduct.

21 I mean, the internet activity is pretty obsessive to
22 begin with. When you start to get to the matter of swatting
23 and causing law enforcement authorities to arrive at a home and
24 the cost and the danger to that, that is a very dangerous
25 situation as I know you're well aware in terms of when you have

1 police officers arrive at a home with swat teams.

2 I don't know -- the phrase is "swatting" mainly
3 because it causes swat teams to arrive. That's why it's called
4 swatting, you know that, and to have that be part of the mix
5 here. Along with then arriving in Maryland -- we have some --
6 we have allegations and proffers by the Government as to very
7 obsessive conduct and clearly there are mental health issues,
8 which you obviously recognize that need to be addressed. And
9 you've created a -- certainly a very thoughtful program as to
10 how you would address these mental health issues.

11 The difficulty the court has is we're really still
12 dealing in a vacuum here with respect to that.

13 So you can certainly talk to Ms. Raquin if you want
14 for a second there. She's trying to write you a note. That's
15 quite all right.

16 **MR. MULLIN:** We're good, Judge.

17 **THE COURT:** Usually the younger the person the farther
18 out, the more work they've done on these cases.

19 (Laughter.)

20 **MR. MULLIN:** She's terrific. I'm very lucky to have
21 her.

22 **THE COURT:** That's why we have Ms. Martin much younger
23 over here on this side on behalf of the Government as well.

24 **MR. MULLIN:** Judge, again, the Government has had the
25 opportunity to conduct searches and collect evidence and all

1 that kind of stuff, which I respect.

2 But, we're dealing here in another world. We're
3 dealing here online where there apparently was more than just
4 my client. There was more than just Ms. Jane Doe and her
5 boyfriend. That there's at least one other player that the
6 Government mentioned today out there.

7 Our position is on swatting -- which it's a terrible
8 thing, a horrible thing to do. A, my client advises that he
9 didn't do that. And B, what I'm advised is that his parents
10 were, I don't know what the correct term is, but pizza bombed
11 is the right term. That someone did just the opposite. And
12 they ended up ordering -- you know, pizza is not the same as
13 terrorism, I'm not going to suggest it, but that they were
14 victimized as well. That their information was put on the
15 internet as well.

16 So it's another world here, Judge. I'm not in a
17 position to unpack it right now. I'm just not.

18 **THE COURT:** I understand.

19 **MR. MULLIN:** The initial impression is scary. It's
20 scary when you hear these kind of allegations that are out
21 there, Judge, that were being made.

22 But I submit to you that what I'm being told is that a
23 lot of this had nothing to with my client number one; and
24 number two, that he and his family to a certain extent were the
25 victims of what was going on here.

1 Again, we're going to get to the bottom of it. That's
2 part of our job.

3 But for purposes of bail, Your Honor, what I'm saying
4 is if we put him in a cocoon, if we have assurances that he's
5 going to do nothing, if we do a deep dive what, if anything, is
6 going on with him and what that means, I think that's enough to
7 meet what our responsibility is under 3142(e) and 3241 factors.

8 I would just ask Your Honor to implement an order to
9 that effect. We could have weekly monitoring on this. I can
10 get ahold of Dr. Oakley's office as soon as we're done, and so
11 we can get this thing going now, Your Honor.

12 **THE COURT:** Well thank you very much, Mr. Mullin.

13 With that, Mr. Myers, I'd be glad to hear further from
14 you.

15 **MR. MYERS:** Thank you, Your Honor. First, to address
16 the question raised by the Court, the Defendant's family was
17 aware no later than late July of 2020 when after the swatting
18 attack on victim one's home local police responded in person in
19 Texas and contacted the parents.

20 **THE COURT:** Apparently the Baltimore County Police
21 Department contacted local authorities in Texas?

22 **MR. MYERS:** That's correct, Your Honor. Because she
23 knew and reported sort of immediately that this is the guy
24 responsible. And in fact some of the early harassing messages,
25 the message talking about, you know, "This is never going to

1 stop." The profane messages about, you know, how funny it's
2 going to be. All that came from his regular cellphone number,
3 not one of the anonymous numbers he got. Of course the
4 evidence of that is shown both on her device but also on his.

5 The suggestion that much of this didn't have anything
6 to do with the Defendant I have to take serious issue with. I
7 think the information set forth in the complaint, the
8 information in the speaking indictment, the information
9 obviously has been heard by the grand jury, it's been heard by
10 judges in New York and here in terms of issuing search
11 warrants.

12 And then his devices themselves which have thousands
13 of pictures, including the pictures from the victim's account
14 on them that have current access when the phone was seized
15 logging into her accounts that he had stolen.

16 I mean, the weight of the evidence, you know, as set
17 forth in the factors under 3142 weigh the evidence here. I
18 understand we're not at trial yet and they haven't had
19 discovery and all that, but the weight of the evidence is, I
20 think, overwhelming.

21 But on top of all that you have the Defendant's
22 statements himself and when he was arrested and he waived
23 Miranda -- this is, you know, summarized in Page 14 of our
24 emergency motion -- that after initially denying knowing the
25 girl or having anything to do with, you know, the Defendant

1 stated, "If I were to -- if I did anything correct I wouldn't
2 have done anything big considering I didn't know her in real
3 life so I couldn't have done anything anyways. If -- it's
4 probably in retaliation of what she, you know, accounts."

5 Then he said, "Everything I've done, if I've done
6 anything, is in retaliation."

7 That's the story of this case, Your Honor. The
8 Defendant was acting in retaliation, but now he has much more
9 to retaliate for. Because now it's not just him [sic]
10 complaining to her parents, it's not just the parents
11 telling -- or the police telling his parents to knock it off,
12 it's not the victims telling his sister and telling his mother
13 that he needs to knock it off, it's the Federal Government, the
14 United States verses the Defendant.

15 He knows he is facing serious criminal charges with
16 serious criminal penalties, and he has more incentive now than
17 he has ever had to lash out against these victims. And he's
18 shown his inability to restrain himself from those impulses.

19 While the Defendant may have put his parents through
20 hell through all this, without question he has put the victims
21 and their families through hell, and they're the ones who
22 deserve to be protected under the statute.

23 They specifically expressed relief that the Defendant
24 is detained and is unable to contact them any further.

25 And I think that the Defendant's history of hacking

1 accounts and in fact two substantive charges against him for
2 stealing access to people's electronic accounts shows his
3 ability and facility in getting access to electronic
4 communications that he should not have access to. So I think
5 that should give the Court even more concern that no matter
6 what conditions you impose on him he's going to find a way to
7 get past them because he has the ability to do so. He's
8 obviously a very smart, technically sophisticated kid.

9 I think that it's also important, and I don't think
10 this is in our papers, in October of 2020 the Defendant, after
11 the swatting, after all the text messages had started, after
12 all the harassing Instagram accounts, the Defendant called NYPD
13 and the Defendant made a report to NYPD claiming that victim
14 one was stalking him seeking them to arrest her for stalking
15 him.

16 Now, they didn't carry through with that, and I don't
17 think they finished that investigation because they couldn't
18 find her. But he had the temerity after he's already had the
19 police contacting his parents, after she's told him she's
20 seeking a no contact order -- which she did but it was unable
21 to be served because they couldn't find his address at the
22 time -- after all those things had happened and after he had
23 texted her he had said in just this cold, calculating, brazen
24 way that "Expect a wave of the worse possible shit to happen to
25 you. You think I'm kidding. I'm genuinely never going to

1 stop. It's going to be really funny."

2 And he escalated that further by falsely reporting her
3 stalking him to the police, presumably like with provoking a
4 swatting attack, presumably to get law enforcement to enlist in
5 his campaign against this girl.

6 The Defendant's conduct is gravely concerning. I
7 think it shows, as the court has noted, the likelihood of some
8 serious, you know, mental instability, if not diagnoseable
9 mental health conditions. And he can be evaluated. And in
10 fact I've had defendants recently during the pandemic who were
11 evaluated while in federal custody.

12 **THE COURT:** I was going to get to that. Where have
13 you had the evaluations? I don't know the resources of the
14 marshal service can be stressed that we take him to Butner,
15 North Carolina. That's quite an imposition on our marshal
16 staff which is overloaded now.

17 But where could he be evaluated?

18 **MR. MYERS:** I think that's right, Your Honor. The
19 Government wouldn't be moving for a competency evaluation or
20 something like that in this case, at least not on the facts we
21 know now.

22 **THE COURT:** Not so much a competency evaluation just
23 in terms of what his mental health status is.

24 **MR. MYERS:** And in the other case that I have where
25 actually recently a defendant pled guilty whom was sentenced by

1 Judge Bredar, which was *United States v. Jordan Milleson*, the
2 federal public defenders who represented Mr. Milleson -- and
3 there were some serious competency questions and we wanted to
4 get it figured out, but we also didn't want to go through the
5 Butner process in the midst of the pandemic. And so the
6 Federal Public Defender's Office actually contracted with and
7 hired a licensed professional whose *bona fides* were acceptable
8 to the Government as well and conducted an evaluation that the
9 Government accepted, that the court accepted, to figure out.

10 Now there it was more about is he competent to proceed
11 as opposed to, you know, trying to figure out what's going on
12 in order to engage in some sort of treatment. But I think it's
13 sort of proof of concept that people can be evaluated while in
14 custody, especially now with the explosion of telemedicine.

15 So for all those reasons, Your Honor, the Government
16 thinks that pretrial detention here is particularly important,
17 that the concerns that are raised aren't sufficiently mitigated
18 by the protective measures proposed by the Defendant, and the
19 Government would ask that the Defendant be held pending trial.

20 **THE COURT:** Thank you very much, Mr. Myers.

21 **MR. MULLIN:** Judge, can I be heard again?

22 **THE COURT:** Certainly. Go right ahead, Mr. Mullin.

23 **MR. MULLIN:** Thank you Judge. Judge, I think a couple
24 of things Mr. Myers stated here inure to the benefit of
25 releasing my client.

1 First, as to he made reference to the proceedings in
2 New York and obviously that's not binding on Your Honor. But
3 the proceedings in New York there was I thought a very
4 well-thought-out plan pretty close to what we're looking at
5 here, Judge, that Judge Moses had contemplated for my client.
6 And I submit to you it's something that could work here.
7 That's number one.

8 Number two, in terms of my client filing a complaint
9 as to the victim, the Government makes the presumption that
10 that was false and this is outrageous conduct. Judge, we
11 really don't know yet what we have here. There are concerns,
12 again, I don't want to get back to what I was saying before,
13 but this is a different world, this internet, when you have
14 group chats and other players that are involved.

15 We've already seen examples where my client and his
16 family have been victimized by this.

17 So reverting back to the bail statute, Judge, in terms
18 of looking at the factors here the Government puts all its eggs
19 in one basket and that basket is a proffer that it makes as to
20 the weight of the evidence.

21 I ask Your Honor to look at all the factors here in
22 terms of his age, his prior criminal history, which is none
23 except for some mischief thing when he was 13. The fact that
24 we have set forth a plan that is a viable plan here, Judge,
25 that can work.

1 He's going to be in a cocoon. We're going to have
2 someone take a look and see what's going on there, Judge.
3 Rather than keeping this young man -- he's already been in
4 about five months.

5 We're asking Your Honor, while Ms. Raquin and I
6 prepare, as Mr. Myers does on behalf of his client, that he be
7 allowed to at least be home and out of jail while that takes
8 place.

9 **THE COURT:** Thank you very much, Mr. Mullin. The
10 court must be guided by -- under the Bail Reform Act -- must
11 be guided by the factors under § 3142(g) of Title 18.

12 And essentially the Bail Reform Act requires that the
13 court considers the following factors: The nature and
14 circumstances of the offense charged, including whether the
15 offense is a crime of violence, a federal crime of terrorism,
16 or involves a minor victim of a controlled substance for
17 example.

18 The weight of the evidence against the individual and
19 the history and characteristics of the Defendant, including the
20 person's character, physical and mental condition, the family
21 ties, employment, family resources, past conduct, history
22 related to drug and alcohol abuse, criminal history, and record
23 concerning appearance.

24 Also, whether at the time of the current offense the
25 person was on probation or parole, and also the nature and

1 seriousness of the danger to any person in the community that
2 would be posed by the release of the individual.

3 If after a hearing on this, which we've now held, if
4 the court finds that there are no condition or combination of
5 conditions which, one, would reasonably assure the appearance
6 of the person required, and the safety of any other person in
7 the community, then the court shall order the detention of the
8 person before trial. That's pursuant to 18 United States Code
9 § 3142(e) (1).

10 There's no question that generally that pretrial
11 detention is disfavored as the Supreme Court has previously
12 noted in *United States v. Salerno* at 481 U.S. 739, a 1987
13 opinion of the Supreme Court. Although in that case the
14 Supreme Court ultimately approved pretrial detention based upon
15 the threat to the community. Without question, the Bail Reform
16 Act is to be preventive and not punitive as Judge Boardman
17 quoted the Supreme Court previously as well and aptly noted.

18 The Defendant has no prior criminal convictions but
19 unfortunately that's often the case in some of these cyber
20 crimes and sexual crimes and the nature of it.

21 The Government has definitely proffered information
22 about the scope of this activity, and I cannot ignore -- I
23 cannot ignore the fact that as well-intentioned as his parents
24 are that this -- there was clearly an awareness of this
25 situation dating back to July of 2020 and yet it continued

1 unabated.

2 And the weight of the evidence here is very, very
3 strong. We're not trying this case here today and this
4 Defendant has a presumption of innocence, but the weight of the
5 evidence here is quite strong.

6 There are electronic accounts and phone numbers that
7 have been referenced that have been used in the course of this
8 offense and are definitely -- there's proffer of evidence that
9 it's tied to his known telephone number and email addresses.
10 Not all, as Mr. Mullin has noted, but some of these threatening
11 messages were clearly sent from the Defendant's primary
12 telephone and social media accounts.

13 And there is essentially indications that he has
14 acknowledged making accounts in the victim one's name and
15 acknowledged taking over her Twitter account.

16 The evidence certainly indicates that -- there's
17 strong evidence that he swatted Jane Doe. The phrase meaning
18 to call law enforcement to cause a swat team to arrive.

19 And the -- from what I've reviewed of the file here,
20 the iPhone evidence here is quite strong, if not overwhelming,
21 in this case in terms of the log-in credentials, the various
22 accounts, screen captures, and what have you, as well as the
23 summary of the evidence that has been made here today.

24 In terms of -- apart from the evidence which is quite
25 strong and the nature and circumstance of this offense and a

1 long period of cyberstalking and harassment, in terms of the
2 history and characteristics of this Defendant they are of great
3 concern to the Court; specifically in terms of his mental
4 condition and his past conduct as noted under those factors
5 under 3142(g) of Title 18 under the Bail Reform Act. The
6 obsessive behavior and fixation of this I think is quite
7 concerning. We're literally -- we don't know what we're
8 dealing with here.

9 And defense counsel has very thoroughly had a review
10 here, but Mr. Byerley, who wrote a very thorough report -- just
11 for the record Mr. Byerley, B-Y-E-R-L-Y, if I'm pronouncing his
12 name correctly?

13 **MR. MULLIN:** You are, Judge.

14 **THE COURT:** I've certainly read his report and he
15 certainly is qualified to have conducted this report. He's a
16 former U.S. probation officer. But the simple fact of the
17 matter is it reflects that there has been no mental health
18 treatment previously of this Defendant and that yet this
19 conduct has continued unabated. So it is an absolute unknown
20 in terms of how serious mental condition he has. But the past
21 conduct of him and his mental health is of great concern to the
22 Court. Clearly it's not so much based upon whether he's a risk
23 of flight.

24 I do have some concern -- it's proffered that he
25 traveled from New York to Maryland seeking some kind of

1 physical confrontation. But the focus here is with respect to
2 the safety of other persons and the community.

3 And the -- the difficulty here is is that the smallest
4 of devices, including burner phones and iPhones and what have
5 you, are still in this day and age now capable of rendering one
6 internet-enabled so to speak, as I think the Government's
7 phrase has been. The record here has been proffered that his
8 parents clearly were put on notice. This situation should have
9 been dealt with a long time ago, a long time ago.

10 As abusive as the use of the internet is, the matter
11 of swatting is of great concern to this court and that past
12 conduct and the proffer of evidence there is not to be taken
13 lightly.

14 Anyone involved in law enforcement knows full well
15 what the implications are when swat teams arrive and some bad
16 things can happen in a hurry, including people who don't know
17 why they're being swatted that think may be armed. You know,
18 false police arrive at their door, people get hurt. Some
19 people die in these kind of swatting incidents.

20 And the simple fact of the matter is that the evidence
21 before me is that his parents were certainly aware of a serious
22 condition degenerating as of June or July of last year, and he
23 was not arrested until December the 22nd. That's the record
24 before me here now that this whole conduct continued unabated.

25 And I believe that there is a serious threat to the

1 community that would be presented should he be released. And
2 I'm not satisfied that any conditions can be structured so as
3 to mitigate that -- that danger here.

4 In terms of the danger to the community and the
5 serious allegation and the plain language of the statute
6 requires me to evaluate the nature and seriousness of the
7 danger, and there are different levels of danger that rise to
8 different sanctions here. But without question, the danger to
9 the community in this type of crime is very evident to me and
10 is taken very seriously by the court.

11 So for those reasons as set forth on the record here
12 today, the Defendant shall be ordered detained pursuant to the
13 consideration of factors under 18 United States Code § 3142(g),
14 and having conducted a detention hearing under § 3142(f), I
15 make those findings of fact.

16 In terms of the checking the boxes here, let me just
17 note, I have an order of detention that I'll be signing here.
18 I've noted the -- noted that the Government is seeking
19 detention here and that the Defendant is charged under 18
20 United States Code § 2261A(2) for cyberstalking and 18 United
21 States Code § 1028A for aggravated identity theft.

22 What are the maximum terms of imprisonment for those
23 offenses, Mr. Myers?

24 **MR. MYERS:** Your Honor, the cyberstalking under these
25 circumstances carries up to five years imprisonment, and the

1 aggravated identity theft charges both carry a two-year
2 mandatory sentence consecutive to any other sentence except
3 that the two don't have to be consecutive to each other.

4 **THE COURT:** Right. So essentially the maximum term
5 imprisonment if he's convicted is five years plus two years
6 consecutive, correct?

7 **MR. MYERS:** Or two five-year counts. So if the
8 court were to give him the legal maximum --

9 **THE COURT:** I'm just trying to clarify. The maximum
10 term of imprisonment --

11 **MR. MYERS:** Yes, sir.

12 **THE COURT:** -- is ten years imprisonment, correct?

13 **MR. MYERS:** Ten years plus if they stack the two so
14, Your Honor.

15 **THE COURT:** Four years consecutive. And based upon
16 the Government's proffer in evidence there is probable cause to
17 believe that this Defendant has failed to rebut the presumption
18 as to danger. The Government is not so much seeking risk of
19 flight as it is danger, correct, Mr. Myers?

20 **MR. MYERS:** Danger is the primary basis, correct, Your
21 Honor. And there is no presumption here so the burden is on
22 the Government throughout.

23 Although, I would like to very quickly correct just
24 for the record, in case the defense wants to have this
25 reviewed, is that the investigation since the filing of our

1 emergency motion has shown, and I apologize if I didn't clarify
2 enough, that the account that said in July of 2019 that there
3 was going to be a party at the victim's house, that account we
4 can tie directly to the Defendant. The account used soon after
5 the swatting to send the message saying "You're getting
6 swatted," that is an anonymous phone account that we can tie to
7 the Defendant. But the actual swatting email sent to Baltimore
8 County was sent, our evidence has shown, by the juvenile in
9 Illinois. And the messages found on the Defendant's phone show
10 that they were discussing his payment to the juvenile for
11 swatting.

12 **THE COURT:** All right. I'm also -- I'm checking here
13 I find by clear and convincing evidence the information
14 produced at this hearing that the Defendant poses a risk to the
15 safety of other persons. I'm not finding a risk of flight
16 here, but I'm finding danger to other persons. I'll add these
17 written statements of additional factors as well.

18 The Government has proffered strong evidence with
19 overwhelming weight as to the evidence of these charges.
20 Furthermore, the mental condition of the Defendant suggests
21 obsessive conduct. Any release of the Defendant would pose a
22 danger to the community.

23 I'll sign this today.

24 I hereby order that he be detained, and I've signed an
25 order of detention.

1 Madam clerk.

2 Excuse my handwriting on that, Counsel.

3 **THE COURT:** Thank you very much, Ms. Carter.

4 Is there anything further from the point of view of
5 the Government on this matter, Mr. Myers?

6 **MR. MYERS:** There is nother further from the
7 Government, Your Honor. Thank you very much.

8 **THE COURT:** Anything further, Mr. Mullin, from the
9 point of view of the defense?

10 **MR. MULLIN:** Not at this time, Your Honor.

11 **THE COURT:** I'm sorry, I can't hear you.

12 **MR. MULLIN:** Not at this time, Your Honor. Thank you.

13 **THE COURT:** You certainly have a right to appeal to
14 the United States Court of Appeals to the Fourth Circuit.

15 **MR. MULLIN:** Okay.

16 **THE COURT:** Mr. Myers, make sure you keep up on the
17 briefing on that. I think they're going to want you to write a
18 brief or something. I was flying blind here. The Government
19 never responded.

20 **MR. MYERS:** Yes, Your Honor.

21 **THE COURT:** So if there is an appeal I would very much
22 urge you file a response.

23 **MR. MYERS:** Yes. Thank you, Your Honor.

24 **THE COURT:** I don't want you to be in the same
25 position before a Fourth Circuit judge when you were in front

1 of me when you were not aware of the fact they filed anything.

2 **MR. MYERS:** Thank you. I appreciate that, Your Honor.

3 **THE COURT:** Not a way to run a railroad so.

4 **MR. MYERS:** No, it is not, Your Honor. My apologies.

5 **THE COURT:** That's quite all right. Don't let it
6 happen in front of the Fourth Circuit. That would not be good
7 after having it happen once at the district level. Make sure
8 you read what's been filed and keep up on the docket and make
9 sure you respond for the Fourth Circuit.

10 **MR. MYERS:** Yes, Your Honor.

11 **THE COURT:** All right. Anything else?

12 **MR. MULLIN:** No, Judge. Thank you very much.

13 **THE COURT:** Thank you, Mr. and Mrs. Singh, for being
14 here. This case will proceed and your son is in very good
15 hands with respect to the lawyers he's retained. So with that
16 this court stand adjourned for the day.

17 **THE CLERK:** All rise. This Honorable Court is
18 adjourned.

19 (Hearing adjourned at 12:46 p.m.)

1 CERTIFICATE OF OFFICIAL REPORTER

2

3

4 I, Ronda J. Thomas, Registered Professional Reporter,

5 Certified Realtime Reporter, in and for the United States

6 District Court for the District of Maryland, do hereby certify,

7 pursuant to 28 U.S.C. § 753, that the foregoing is a true and

8 correct transcript of the stenographically-reported proceedings

9 held in the above-entitled matter and the transcript page

10 format is in conformance with the regulations of the Judicial

11 Conference of the United States.

12

13 Dated this 25th day of May 2021.

14

15 Ronda J. Thomas

16 RONDA J. THOMAS, RPR, CRR

17 FEDERAL OFFICIAL COURT REPORTER

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